



## ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

<b>DOD: 03/04/14</b>	<b>VICTORIA REYES and STEPHANIE CALLAHAN</b> , daughters, were appointed Co-Conservators of the Person on 04/26/11. Letters of Conservatorship of the Person only were issued on 04/26/11. The Co-Conservators were appointed as Co-Conservators of the Estate on 08/22/12. Letters of Conservatorship of the Estate were issued on 08/23/12.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		1. Need bond in the amount of \$39,000.00.
<b>Cont. from</b>		<b>Note:</b> Even though the conservatee is now deceased, the co-conservators are still the Conservators of her estate and will need to file a final accounting.
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
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<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
	The <b>Order Settling First Account</b> was filed 03/05/14 and ordered the co-conservators to post bond in the amount of \$39,000.00.	A status hearing is currently scheduled for 12/04/15 for filing of the 2 <sup>nd</sup> Account; however, due to the death of the conservatee, a status hearing will be set as follows:
	<b>Notice of Death</b> filed 03/17/14 states that the conservatee died on 02/28/14.	<ul style="list-style-type: none"> <li><b>Friday, October 10, 2014 at 9:00 am in Dept. 303</b> for filing of the Second and Final Account</li> </ul>
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 04/08/14
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 1 – Quintana</b>

**Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution**

<b>DOD: 5/23/2005</b>		<b>VIVIAN WEST</b> was appointed as Administrator with full IAEA authority and without bond on 8/23/05.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Letters issued on 8/24/2005.	<u><b>Continued from 02/28/14</b></u> <b>Minute Order from 02/28/14 states: Counsel informs the Court that he has been unable to locate the administrator. Petition for relief to be filed by counsel and set for hearing on 04/10/14.</b>
<b>Cont. from 022814</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	I & A showing the estate valued at \$190,700.00 was filed on 12/12/2005.	1. Need first account and/or petition for final distribution.
<input type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>	Notice of Status Hearing was mailed to attorney Jeff Shepard and Administrator Vivian West on 11/22/2013.	
<input type="checkbox"/>	<b>Notice of Hrg</b>	<b>Status Report of Attorney Jeff Shepard filed on 2/21/14</b> states he has been unable to contact the Administrator about the Notice of Status Hearing. He has mailed by regular and certified mail, return receipt requested to all known addresses but both letters came back undeliverable. The attorney states he has called the phone number given to him by Pipkin Detective Agency, however the phone numbers are out of service.	
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<input type="checkbox"/>	<b>FTB Notice</b>		
			<b>Reviewed by: KT/JF</b>
			<b>Reviewed on: 04/0914</b>
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 2A – Baker-Melton</b>

**2A**

**Notice of Motion and Motion to be Relieved as Counsel**

<b>DOD: 5/23/2005</b>		<b>JEFF S. SHEPARD</b> , attorney for Administrator, VIVIAN WEST, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		VIVIAN WEST was appointed Administrator on 08/23/05 without bond.	<p>1. Need <i>Notice of Hearing</i> and proof of service of <i>Notice of Hearing</i> on Vivian West.</p>	
<b>Cont. from</b>		Letters were issued on 08/24/05.		
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	<p>Inventory &amp; Appraisal showing the value of the estate at \$190,700.00 was filed 12/12/05.</p> <p><b>Petitioner states</b> that Vivian West has ceased all contact with his office. All correspondence and telephone calls have been ignored. Petitioner states that he has sent numerous letters to Ms. West regarding her duties as the personal representative of her mother's estate, but none of the letters have been acknowledged and the most recent letters have been returned as undeliverable. Petitioner states that he cannot continue as attorney for Vivian West due to her lack of cooperation and failure to perform her duties as administrator of the estate.</p> <p>Proof of Service filed 04/04/14 indicates that the Notice of Motion and Motion to be Relieved as Counsel and Declaration in Support of Attorney's Motion to be Relieved as Counsel – Civil was mailed to the Administrator at 3 different addresses.</p>		
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<input type="checkbox"/>	<b>FTB Notice</b>			
			<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 04/08/14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 2B – Baker-Melton</b></p>	

**2B**

## (1) Report of Administrator on Waiver of Account and Petition for Allowance of Compensation to Attorneys for Ordinary Services and (2) for Final Distribution

DOD: 4-5-05		<b>ADAM BRYANT</b> , Administrator with Full IAEA without bond, is Petitioner.  Accounting is waived by Petitioner. (Petitioner is the sole heir pursuant to assignments signed by Jewel Collette Bryant Heck and Tracy Lynn Erskine attached to the petition.)  I&A: \$252,800.82 POH: \$10,023.97 held in attorney trust account  Administrator(Statutory): Waives Attorney (Statutory): \$5,584.02 Costs: \$2,761.34 (filing, certified copies, publication, appraisal, postage, creditor's claims) Closing: \$1,500.00  Petitioner took the following actions without court supervision and without notice of proposed action: <ul style="list-style-type: none"> <li>• Returned '03 Silverado to Merco Credit Union</li> <li>• Distributed balance of Merco Credit Union Account to himself</li> <li>• Sold the real property and distributed the proceeds to himself</li> <li>• Deposited \$10,023.97 to attorney trust fund</li> <li>• Distributed the personal property to himself</li> <li>• Distributed '55 Ford pickup to himself</li> <li>• Distributed '64 International Walkthru to himself</li> </ul>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Petitioner distributed the entire estate prior to Court authorization in violation of Probate Code §11620 et seq. This petition requests that the Court confirm and approve Petitioner's acts during administration. The Court may strike such approval from the order. <u>See Page 2</u>  2. The attorney is requesting the full amount of statutory fees. Examiner notes that this case was opened in 2006, was distributed without Court authorization, and was abandoned. This petition was filed pursuant to a Notice of Status Hearing sent to the attorney and the Administrator on 11-22-13. Court may reduce the attorney's compensation pursuant to Probate Code §12205. <u>See Page 2</u>  3. The attorney requests reimbursement for costs including \$26.00 in postage. This is considered by the Court to be a cost of doing business and not reimbursable. <u>This amount has been deducted from the order.</u>	
Cont. from 032014				
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✓	Verified			
✓	Inventory			
✓	PTC			
✓	Not.Cred.			
✓	Notice of Hrg			
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	CI Report			
✓	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
N/A	FTB Notice			

## Page 2

**Declaration of Thomas J. Keene states** the heirs to the estate waived bond and the principal asset of the estate, the real property, was sold on or about 10-26-06. From the escrow proceeds, \$10,023.97 was placed in the attorney trust account based on the estimated fees and costs at closing. Pursuant to an agreement of the heirs, \$72,000.00 was also paid to Jewel C. Heck, one of the heirs, for her interest in the property, and with her agreement, nothing was paid to Tracy L. Erskine, the second of the three heirs. The attorney was under the impression until very recently that the balance of the proceeds were paid to Administrator Adam Bryant. Although he asked for it, the attorney was never provided with a copy of the purchase and sale agreement, the escrow instructions, or the closing statement. After escrow closed in October 2006, the firm had difficulty contacting Mr. Bryant. When he had not heard from him by October 2007, the attorney sent via certified mail the forms for Allowance or Rejection of Creditor's Claim. In April 2008, Mr. Bryant resurfaced and signed the allowances. He was to provide a check to pay these claims, but he has never done so. When he once again failed to stay in touch, the attorney sent another certified letter that the firm would pay the claims if he would simply cooperate to close the estate. When he had not heard from Mr. Bryant by July 2009, he directed staff to pay the claims in order to put the estate in a condition to be closed. On 1-21-14, the attorney sent a letter to Mr. Bryant with a copy of the Notice of Status Hearing. In preparation of the Status Hearing Report, which was never filed because this account was filed, it came to the attorney's attention that Mr. Bryant was himself the purchaser of the property. It should be noted that the other heirs agreed to the terms and assigned their respective interests to Mr. Bryant. At the time of the status hearing, he had a client who had not communicated since 2008 and funds sitting in the trust account. All creditor's claims were paid and the estate was in a condition to be closed; however, a petition could not be filed without Mr. Bryant's signature. His letter of 1-21-14 advising Mr. Bryant of the ramifications of not appearing finally achieved what the attorney had been trying to do for six years – it got his client to come see him. In the attorney's opinion, he never abandoned this case, but his client did.

Attorney Keene states the full sum of the \$10,023.97 is the cash on hand in the estate. The proposed disposition is as follows:

Attorney Statutory Compensation:	\$5,584.02
Reimbursement of Costs:	\$2,761.34
<u>Closing Reserve:</u>	<u>\$1,500.00</u>
Distribution to Adam Bryant:	\$178.61

**Petition of Beneficiary to Remove Successor Co-Trustees, Appoint Temporary Successor Trustee, and for Payment of Attorneys' Fees and Costs (Probate Code 15642, 16000, 16002, 16003, 16004, 16006, 16007, 16009, 16060, 16062, 17200, 17206)**

<b>Frank K. Ishii</b> <b>DOD: 11-10-93</b>		<b>GERALD ISHII</b> , Beneficiary and Co-Trustee, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Continued from 7-2-12, 7-27-12, 8-31-12, 9-27-12, 11-26-12, 1-14-13, 2-25-13, 3-29-13, 5-17-13, 6-28-13, 8-30-13, 9-27-13, 10-25-13, 1-10-14</b>  <b>See Page 3 for details.</b>																																																																					
<b>Lily Y. Ishii</b> <b>DOD: 3-7-05</b>																																																																								
<b>Cont. from 070212, 072712, 083112, 092712, 112612, 011413, 022513, 032913, 051713, 062813, 083013, 092713, 102513, 011014</b>		Petitioner states he and <b>LESLIE ISHII</b> (Respondent) were named successor co-trustees of the <b>ISHII FAMILY TRUST DATED 3-3-92 (the "Trust")</b> . The Trust consisted of interests in 8 parcels of real property, stocks, bonds, securities, cash, and other assets in Prudential-Bache Securities, and 300 shares of common stock in <b>Frank K. Ishii &amp; Sons, Inc.</b> , a California corporation owned by the Settlor.																																																																						
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		On 3-15-95, <b>Lily Ishii</b> , individually and as Trustee of the Trust, assigned a 36.44% interest to the <b>FRANK K. ISHII TRUST</b> , a 13.56% interest to the <b>ISHII FAMILY MARITAL DEDUCTION TRUST</b> , and a 50% interest to the <b>ISHII FAMILY SUVIVOR'S TRUST</b> of the assets listed on Exhibit F, including accrued rent payable from the corporation of \$105,548 as of 11-10-93, a receivable due from the corporation of \$26,089 as of 11-10-93, and a proprietorship known as Lily's Hair Stylists consisting of furniture and fixtures, cash, supplies, inventory and goodwill.																																																																						
		Lily Ishii died on 3-7-05 and he and <b>LESLIE ISHII</b> (Respondent) became Co-Trustees.																																																																						
		Pursuant to Section 5.02 of the Trust, the three sub-trusts were to be combined on the death of the surviving settlor and certain distribution was to occur: <ul style="list-style-type: none"> <li>• \$75,000.00 to Sharon J. Shoji (daughter)</li> <li>• One-half of the remaining balance to Gerald</li> <li>• One-half of the remaining balance to Leslie</li> </ul>																																																																						
		As to the corporation: Petitioner and Leslie each hold 300 shares individually and the Trust holds 300 shares. Petitioner and Leslie as individuals and as Co-Trustees may vote an equal number of shares, but have been in a deadlock as to the operation of the corporation since approx. 2007. As such, the corporation's status has become suspended with many tax liabilities remaining outstanding, which continues to decrease the value of the corporation.																																																																						
		<b>SEE PAGE 2</b>																																																																						
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A meeting of the directors of the corporation was noticed on 6-3-10 by Gerald, who is secretary; however, the meeting did not occur because Leslie found the principal place of business of the corporation to be an inconvenient meeting location, although it is approx. one mile from her home. No meetings have occurred since. Because the corporation is one-third owned by the trust, the deadlock between the Co-Trustees is impairing the administration of the Trust and causing trust assets to lose value.

Petitioner requests that the Court remove both Co-Trustees of the Trust and subtrusts because due to hostility and lack of cooperation among Co-Trustees, administration of the Trust and sub-trusts continue to be impaired and trust assets neglected. Probate Code §§ 15642(a)(3), 17200(b)(10). The Trust does not appoint a successor trustee in the event of removal; rather, it provides only the manner of successor appointments should one of the two become unable to perform. Petitioner requests appointment of **BRUCK BICKEL** as Successor Trustee with compensation to be approved by the Court. Mr. Bickel consents to act. Petitioner requests appointment without bond for one year to allow the corporate affairs to be brought to order, with authority to apply for an extension by Mr. Bickel should the corporate affairs remain unresolved and the Trust assets undistributed. Petitioner believes this appointment is in the best interests of the Trust and sub-trusts, and those persons interested in the Trust estate.

**Petitioner requests that:**

- 1. The Court temporarily and partially remove Gerald Ishii and Leslie Ishii as Co-Trustees of the ISHII FAMILY TRUST DATED 3-3-92;**
- 2. The Court appoint Bruce Bickel as temporary Successor Trustee to serve without bond for a period of one year, with the ability of Mr. Bickel to petition the Court for additional time should the corporate affairs remain deadlocked;**
- 3. The Court award reasonable compensation to the temporary Successor Trustee;**
- 4. The Co-Trustees to deliver the Trust assets to the temporary Successor Trustee within 30 days after issuance of an Order;**
- 5. The Court order Leslie Ishii to file an accounting with the Court detailing their respective acts as Co-Trustees no later than four weeks after the Court makes its order;**
- 6. The Court order Petitioner's attorneys' fees in the amount of \$1,000.00 and costs advanced to be paid to such attorneys directly from the Trust, to be charged 100% to income, and paid within 10 days after the Court makes its order; and**
- 7. Such further orders as the Court deems proper.**

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**Objection of LESLIE ISHII states this probate proceeding is not the proper forum or vehicle to resolve such corporate issues.** This lawsuit is premature at best and legally inapposite to the issues it proposes to resolve at worst. The corporation is deadlocked; however, the instant petition filed as a trust proceeding does not request any form of relief that will serve to end the shareholders' deadlock and restore the corporation to operational status. Specifically, the appointment of a neutral third party trustee will not resolve any issues with regard to the operation of the corporation. While a trustee may have the right to vote shares of stock held in trust, a trustee's paramount duty is to distribute trust property pursuant to the terms of the trust instrument. Here, the trust instrument requires the residue be distributed one-half each to Petitioner and Respondent. If a neutral third party trustee is appointed, he will be obligated to distribute the shares held in trust accordingly, not to vote the shares, and, in effect run the business of the corporation.

Respondent has no objection to the immediate equal distribution of the shares of the corporation currently held in trust. In the likely event that said distribution does not resolve the deadlock, however, Petitioner's only recourse will be to file a lawsuit for involuntary dissolution in the unlimited civil department of the Superior Court.

**SEE PAGE 3**



PAGE 2

Respondent requests that the Court issue an order requiring the Co-Trustees to immediately distribute 150 shares of Frank K. Ishii & Sons, Inc., each to Petitioner and Respondent, and for reasonable attorneys' fees and costs incurred herein.

Alternatively, Respondent requests the Court issue an order removing Petitioner and Respondent as Co-Trustees, but only as to their fiduciary ownership of the Trust's 300 shares of Frank K. Ishii & Sons, Inc.; appointing Bruce Bickel as temporary successor trustee without bond solely for the purpose of administering the Trust's 300 shares of Frank K. Ishii & Sons, Inc.; authorizing Mr. Bickel to petition to continue to serve should it be in the best interests of the beneficiaries or the affairs of the corporation that he remain in such role; awarding reasonable compensation to the temporary Successor Trustee; requiring the Co-Trustees to deliver the shares of Frank K. Ishii & Sons, Inc., to the temporary Successor Trustee by a date certain; for reasonable attorneys' fees and costs incurred herein; and for any and all other relief the Court deems just and proper.

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**Status Report filed 1-7-13 by Attorney Fanucchi states** further continuance is needed. Gerald Ishii maintains his brother Leslie is wasting the vineyard known as Candy Ranch by inappropriately pruning, tying, tilling, chemical control, and irrigating control which has diminished the value of the realty.

**Status Report filed 1-9-13 by Attorney Burnside states** inquiry has been made to Les' accountant Jim Horn whether he has any documents in his possession regarding the expenses Les incurred to operate the Candy Ranch, but Mr. Horn has been unable to review his files due to his year-end workload. Counsel will follow up this week.

**Status Report filed 2-19-13 by Attorney Fanucchi states** Gerald Ishii is unable to accept or reject what has been presented to date and has forwarded information to his accountant. Further continuance is needed.

**Status Report filed 2-19-13 by Attorney Burnside states** the accountants had to reschedule their meeting and further continuance is needed.

**Minute Order 5-17-13:** Ms. Burnside advises the Court that they have resolved a few things and are making progress. Ms. Burnside further advises that the CPSs are still trying to get together.

**Minute Order 6-28-13:** Continued to 8-30-13.

**Minute Order 8-30-13:** Counsel informs the Court that they will be going forward with the evaluation of the property and meeting with the accountants. The Court notes that this is the eleventh appearance and parties have been waiting for information that can only be provided by the accountants. Parties are informed that the Court will be expecting a declaration to be submitted before the next hearing. Continued to 9/27/13.

**Minute Order 9-27-13:** Continued to 10-25-13.

**Minute Order 1-10-14:** Joint request for a 90-day continuance

**Status Conference**

Frank K. Ishii DOD: 11-10-93		<b>GERALD ISHII</b> , Beneficiary and Co-Trustee, filed the petition at Page 6A on 5-17-12.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
Lily Y. Ishii DOD: 3-7-05			
		<b>LESLIE ISHII</b> , Beneficiary and Co-Trustee, filed an objection on 6-21-12.	<b>Note:</b> See Page 4A for details of the petition and file to date.
Cont. from 032913, 051713, 062813, 083013, 092713, 102513, 011014		Hearings have been continued since 7-2-12.	<p>Status report filed 4-3-14 by Attorney Fanucchi (not verified) states the parties are currently inventorying and assigning value to equipment in their possession belonging to the corporation. The accountants will then go over those inventories and negotiate a purchase price for the ranch property. There have been settlement discussions between the parties by their respective accountants including the purchase of Gerald Ishii's beneficial interest in Candy Ranch by Leslie Ishii. A price has not yet been determined. Attorney Fanucchi will be out of the country until 4-16-14 and requests continuance.</p> <p><b>Note:</b> Although Mr. Fanucchi requests continuance in his status report, the request was not jointly submitted via stipulation; therefore, the matter remains on calendar as scheduled.</p> <p>Status report filed 4-3-14 by Attorney Burnside (not verified) states the accountant will not be available until after 4-15-14.</p>
	Aff.Sub.Wit.	<p><b>Minute Order 8-30-13:</b> Counsel informs the Court that they will be going forward with the evaluation of the property and meeting with the accountants. The Court notes that this is the eleventh appearance and parties have been waiting for information that can only be provided by the accountants. Parties are informed that the Court will be expecting a declaration to be submitted before the next hearing. Continued to 9/27/13. On 9-27-13 the matter was continued to 10-25-13.</p> <p><b>Status Report filed by Attorney Leigh Burnside on 1/3/2014 states, in brief sum:</b></p> <ul style="list-style-type: none"> <li>After the status hearing in August 2013, <b>JAMES HORN</b>, who is the accountant of Leslie Ishii ("Les"), provided updated accountings for years 2008 through 2011 to Gerald' Ishii's accountant, <b>JOHN JEFFRIES</b>;</li> <li>Attorney Burnside has been in touch with both her client, Les, and with his accountant Mr. Horn, most recently in December 2013; there continue to be settlement discussions between the parties by and through their respective accountants, including discussing Les purchasing Gerald's beneficial interest in the "Candy Ranch", although the purchase price has not been determined;</li> <li>The parties are also inventorying and assigning values to the various pieces of equipment that belong to the corporation but are in their personal possession;</li> <li>Les reports the equipment list runs 7 pages and he needs another 2 to 3 weeks to gather values for all of the items he has, which values will be given to Mr. Horn, and he and Mr. Jeffries will negotiate a purchase price for the ranch property.</li> </ul>	
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
✓	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
✓	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

**First and Final Report of Status of Administration on Waiver of Account and Petition  
for : (1) Compensation to Attorney for Ordinary Services; (2) Final Distribution; and  
(3) Reimbursement of Costs Advanced**

<b>DOD: 07/03/11</b>		<b>AIMEE HOLLAND</b> , Successor Administrator, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. The property on hand appears to be miscalculated in the Petition and only includes the cash assets of the estate. The figure in the Petition excludes the vehicle valued at \$3,400. Examiner calculates that the total property on hand to be \$126,938.56. 2. The Petition states that the beneficiary of this estate is Barbara R. Morgan, who is now deceased, thus her estate is now the beneficiary. The Petition requests to pass the proceeds of this estate pursuant to the terms of Barbara's will; however, the proceeds of this estate cannot be passed pursuant to the will of its beneficiary. The assets of this estate can only pass to the Estate of Barbara Morgan as the intestate heir. From Barbara Morgan's estate, the proceeds can then be administered pursuant to her will. It is unclear from this Petition whether the Petitioner has been appointed as the personal representative of Barbara Morgan's estate. 3. The Petition states that Aimee Holland and Gail Stone as beneficiaries of the Morgan Family Trust have consented to "distribution in-kind" of the vehicle asset of this estate to the Trustee of the Morgan Family Trust. It is unclear what is meant by an "in-kind" distribution because it appears that Petitioner is requesting to distribute this asset to herself as successor trustee of the Morgan Family Trust, which is the same distribution she is requesting for all of the assets of the this estate. Need clarification. It is noted again, that this vehicle can only pass to the Estate of Barbara Morgan. It can then be distributed pursuant to the terms of her will from her estate. 4. Need Notice of Hearing. 5. Need proof of service at least 15 days before the hearing to the Personal Representative of the Estate of Barbara Morgan. 6. Need Order.
		Accounting is waived.	
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input checked="" type="checkbox"/>	<b>Inventory</b>		
<input checked="" type="checkbox"/>	<b>PTC</b>		
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>		
<input type="checkbox"/>	<b>Notice of Hrg</b>	x	
<input type="checkbox"/>	<b>Aff.Mail</b>	x	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>	10/11/12	
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b>	x	
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input checked="" type="checkbox"/>	<b>FTB Notice</b>		

**AIMEE HOLLAND**, Successor Administrator, is Petitioner.

Accounting is waived.

I & A - **\$119,714.51**  
POH - **\$123,538.56**  
(\$126,938.56, see note 1)  
(\$123,538.56 cash plus a vehicle valued at \$3,400.00)

Administrator - **waived**

Attorney - **\$4,808.16**  
(statutory)

Costs - **\$2,361.00** (filing fees, publication, certified copies, notary fees, probate referee)

Closing - **\$2,000.00**

**Distribution, pursuant to intestate succession, and subject to the will of the deceased beneficiary is to:**

Aimee Holland, successor trustee of the Morgan Family Trust – 100% of the assets

**Petition to Determine Title and Request Transfer of Personal Property to the Estate  
and Assess Statutory Damages Thereto Against Mary J. Quin**

<b>DOD: 3-31-10</b>		<b>JOSEPH W. MARTIN</b> , Administrator with Full IAEA without bond, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from 121813, 010614, 031014</b>		<b>Petitioner states</b> he is an 86 year old man and is the duly appointed administrator of the estate. Petitioner is the decedent's spouse and intestate heir to the decedent's estate. The decedent is Petitioner's second wife and is unrelated to Mary Quin, Petitioner's daughter from his first wife.	<b>Note: Related civil litigation 12CECG03130 Joseph W. Martin v. Mary J. Quin has upcoming hearing scheduled 4-3-14. See status report.</b>
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		<b>Continued from 12-18-13, 1-6-14, 3-10-14</b>
<input checked="" type="checkbox"/>	<b>Verified</b>		<b>Minute Order 1-6-14:</b> The Court is advised that the matter has been resolved and they are in the process of preparing an agreement.
<input type="checkbox"/>	<b>Inventory</b>		<b>Status Report filed 3-4-14 by Attorney McCloskey (not verified by Administrator) states:</b> The parties agreed to mediation in the civil action and a Petition to Approve Compromise of Pending Action is now pending in that Court, set for hearing on 4-23-14 in Dept. 403. It is the Administrator's intention to request dismissal of this Petition to Determine Title once the settlement of the other case is approved by Judge Culver Kapetan. The Administrator currently resides at an assisted living facility and has mobility issues that make it difficult to attend the hearing and asks that he be excused from attending this hearing.
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	After decedent's death, Petitioner requested that his daughter Mary Quin, a licensed California attorney, assist with the transfer of PG&E stock issued in the decedent's name. Quin held herself out as a qualified probate attorney and Petitioner trusted her to provide competent legal services and counsel after the death of his wife. Unknown to Petitioner, Quin prepared a revocable living trust, will, durable powers of attorney and related documents for Petitioner. Quin brought these documents to Petitioner on 4-24-10 and required him to sign documents that eventually appointed Quin as trustee and gave herself control over Petitioner's life savings, without Petitioner's consent and knowledge and with the intent to defraud and eventually embezzle and convert his life savings, as well as the decedent's assets.	<b>Minute Order 3-10-14:</b> Continued to 4-10-14.
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>		<b>Note: This information is provided by the Examiner for status purposes only: A status hearing in this estate is scheduled for 5-30-14 for the filing of the petition for final distribution. However, Examiner notes that a Final Inventory and Appraisal has not yet been filed.</b>
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input checked="" type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>	X	
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>	Petitioner states Quin obtained a Schwab Attorney-in-Fact Agreement and Affidavit of Attorney-in-Fact for Non-Schwab Power of Attorney for Theresa Martin's and Petitioner's Charles Schwab accounts and then converted, embezzled, and stole both IRA accounts, using the POA, to take the decedent's Schwab IRA, which was to go to Petitioner and as successor trustee, to gain control over Petitioner's Schwab IRA.	
<input type="checkbox"/>	<b>Aff. Posting</b>		<b>Reviewed by:</b> skc
<input type="checkbox"/>	<b>Status Rpt</b>		<b>Reviewed on:</b> 4-9-14
<input type="checkbox"/>	<b>UCCJEA</b>		<b>Updates:</b>
<input type="checkbox"/>	<b>Citation</b>		<b>Recommendation:</b>
<input type="checkbox"/>	<b>FTB Notice</b>	Petitioner states Quin replaced Petitioner's mailing address on the Schwab accounts to her law office address, and changed the phone number to her law office number. She never informed him that she had taken control of the accounts and had statements forwarded.	<b>File 6 – Martin</b>
		<b>SEE ADDITIONAL PAGES</b>	

**Page 2**

Petitioner states that on 4-24-10, Quin required Petitioner to give Quin a blank check that the Decedent, Theresa Martin, had executed prior to date of death, drawn on an estate asset, the decedent's United Security Bank account. Quin required Petitioner to make the check payable to Quin's law offices. See Exhibit C. Quin advised Petitioner at the time that she would use this money in Decedent's bank account to obtain the PG&E stock for Petitioner that was held in the decedent's name.

Petitioner states Quin never attempted to obtain the PG&E stock, and, despite Quin's self-professed expertise in probate proceedings and estate planning, Quin never attempted to probate the estate.

Petitioner states Quin deposited the check in September 2010 to her law office account. Quin knew or should have known that decedent's checking account was an estate asset, and as such, her acceptance and negotiation of the check was illegal and improper, and that the estate, given the decedent also owned a single family residence, needed to be formally probated.

In January 2012, Petitioner contacted Charles Schwab by telephone to inquire about his life savings, the IRA accounts. Petitioner was informed that decedent's and his accounts had been depleted completely by Quin using the durable power of attorney.

At no time did Petitioner intentionally, knowingly or willingly gift and/or loan the assets that made up his life savings, the brokerage and IRA Rollover accounts at Charles Schwab to Quin.

In Feb. 2012, Petitioner first contacted his attorney, Babette Fischer, who made a demand on Quin to return the \$40,000, make an accounting, and return the money that she had embezzled and stole to the accounts. Fischer also terminated Quin's powers revoked in writing by Petitioner. See attached.

Petitioner filed a complaint with the California State Bar regarding Quin's conduct as an attorney, and has been informed that the State Bar is holding its investigation pending the outcome of civil litigation that Petitioner has initiated as well against Quin regarding her fraud and deceit.

Prior to her death, the decedent kept a separate property checking account at United Security Bank xxx049 that contained approx. \$40,000 prior to her death. On or about 9-1-10, Quin deposited the decedent's estate check from that account that Quin required Petitioner give her April 2010 into Quin's law office trust account. On 9-8-10, Quin converted that estate, asset to her own personal use.

Petitioner states Quin intentionally defrauded the Petitioner and the estate of that account and the Schwab accounts. Quin knew the estate should have been probated but that Quin could negotiate the blank check executed by the decedent prior to her death and then convert the money to her own use. Quin engaged the petitioner unwittingly in an illegal act, in presenting the check for negotiation after the decedent's death. Petitioner did not know that the law requires the account to be probated in some form under California law.

Petitioner states Quin took the estate account under the guise of assisting petitioner in acquiring the stock held by decedent.

**SEE ADDITIONAL PAGES**

Petitioner and Quin have only seen each other sporadically in many years. The last time Quin and Petitioner met was on 4-24-10 when Quin defrauded Petitioner into executing a living trust naming Quin as trustee and allowing Quin to take his brokerage and IRA rollover accounts, and giving Quin the \$40,000 check. Quin, which malice and bad intent then concocted the gift and loan scheme to defraud her father of both his life savings as well as the decedent's.

Petitioner believes Quin's actions are malicious and outrageous requiring application of Probate Code §859.

Petitioner requests pursuant to Probate Code §850(a)(2)(D) that title to the above described money is vested in Petitioner as administrator of the estate. Petitioner further requests the Court find and hold Mary Quin as a constructive trustee of those funds and hold the proceeds of that account fbo the estate of Therese Martin.

Petitioner further requests that the Court issue a citation pursuant to Probate Code §1240 for Mary J. Quin to appear and state why she cashed a \$40,000 check on Decedent's United Security Bank account more than five months after decedent's death and why she should not be required to reimburse decedent's estate.

**Petitioner prays for an order as follows:**

- 1. Quin be ordered to pay Petitioner as Administrator of the Estate of Theresa Martin the net proceeds of the above-described property; and**
- 2. Quin be declared a constructive trustee of the proceeds of the above-described property for the benefit of the Estate of Theresa Martin; and**
- 3. A citation be issued to Mary J. Quin to appear and state why she cashed at \$40,000 check on decedent's United Security Bank account more than 30 days after decedent's death; and**
- 4. A finding that Quin in bad faith has taken, concealed, or disposed of the property by the use of undue influence in bad faith and through the commission of elder or dependent adult financial abuse, as defined in Section 15610.30 of the W&I Code, the property of the Estate of Theresa Martin, to wit: United Security Bank checking account No. xxx049 in the amount of \$40,000; and**
- 5. A finding and order that Mary Quin is liable for twice the value of the property recovered by this action pursuant to Probate Code §859; and**
- 6. An order that Quin pay Petitioner's costs and attorney fees herein; and**
- 7. Such other remedies available in law or equity that the Court would deem just and proper.**

**Note:** The proposed order does not appear to include the constructive trust or other findings. See proposed order.

Petitioner also filed Notice of Request for Court to Take Judicial Notice and Memorandum of Points and Authorities in Support Thereof, with reference to First Amended Complaint filed 2-5-13 in 12CECG03130.

**Note:** On 12-6-13, Respondent Mary J. Quin filed an ex parte request to continue the hearing from its originally scheduled date of 12-18-13. This Court's order filed 12-9-13 continued the matter to this date.

However, as of this date, it does not appear that any objection or response has yet been filed in this matter by Ms. Quin.

## Petition for Attorney's Fees and Reimbursement of Costs Advanced

		<b>JANET L. WRIGHT</b> , Court-appointed attorney for Conservatee, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Petitioner was court appointed to represent the Conservatee on 5-13-13 in connection with her objection to the sale of her real and personal property.	<p><b>Note:</b> Pursuant to Stipulation Regarding Sale of Real Property (Former Residence) and Personal Property of the Estate filed 7-12-13, the Court signed the Order Authorizing Sale of Real Property (Former Residence) and Personal Property of the Estate on 7-15-13.</p> <p><b>Note:</b> Status Report filed 4-9-14 states that subsequent to filing the petition, Ms. Wright was informed by the Public Guardian that the principal asset of the estate was lost to foreclosure on 12-10-13. It is Petitioner's understanding that Ms. Togo's income is consumed by the cost of her skilled nursing facility. Therefore, there appears to be no or <i>de minimus</i> assets to pay attorney fees and costs.</p> <p>Petitioner requests that the Court modify its original order appointing counsel <i>nunc pro tunc</i> to provide that attorney fees may be paid at the court rate by the County of Fresno upon application. To facilitate such modification, Petitioner has filed concurrently with this status report an ex parte petition. Therefore, Petitioner proposes to withdraw this petition.</p> <p><b>Note:</b> The Court will set a status hearing for the filing of the First Account by the Public Guardian as follows:</p> <ul style="list-style-type: none"> <li>Friday September 5, 2014</li> </ul>
<b>Cont. from 121613, 021814</b>			
<b>Aff.Sub.Wit.</b>		<p>Petitioner asks that she be paid \$4,347.25 from the conservatorship estate in connection with her representation of the Conservatee for services including travel and meeting with the Conservatee, preparation of objection and other documentation, communication with family members and Public Guardian, etc., per itemized declaration, which includes \$870.00 in filing fees.</p> <p>Itemized declaration includes 9.75 attorney hours @ \$200-325/hr and 3.3 paralegal hours @ \$120/hr.</p> <p>Petitioner is informed and believes that the Conservatee has sufficient assets for the payment of fees and reimbursement of costs as set forth above.</p>	<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 4-8-14</p> <p><b>Updates:</b> 4-9-14</p> <p><b>Recommendation:</b></p> <p><b>File 7 – Togo</b></p>
<b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>			
<b>Aff.Mail</b>			
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			

**8A Dale W. Balagno Revocable Trust**

Case No. 13CEPR00389

Atty Armo, Lance E. (for Joseph Balagno – Beneficiary)  
Atty Gromis, David Paul (for Nicholas Kovacevich – Former Trustee)  
Atty Kruthers, Heather (for Public Administrator)  
Atty Motsenbocker, Gary L. (for Mary Pond – Respondent)

**Accounting Declaration for Original Successor Trustee**

Dale W. Balagno DOD: 3-16-13		<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Examiner Notes are not yet available for this matter.</u>
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 4-9-14
		Updates:
		Recommendation:
		File 8A – Balagno

**8A**



Atty Armo, Lance E. (for Joseph Balagno – Beneficiary)  
 Atty Gromis, David Paul (for Nicholas Kovacevich – Former Trustee)  
 Atty Kruthers, Heather (for Public Administrator)  
 Atty Motsenbocker, Gary L. (for Mary Pond – Respondent)

**Petition for Payment of Attorney's Fees and Payment for Trustee's Fees**

Dale W. Balagno DOD: 3-16-13		<b>NICHOLAS KOVACEVICH</b> , Successor Trustee, is Petitioner.  <b>Petitioner states:</b> <ul style="list-style-type: none"> <li>Dale W. Balagno died on 3-16-13. The trust provides names Petitioner as first successor trustee.</li> <li>On 4-23-13, Petitioner provided information on the trust estate to his attorney, David Gromis.</li> <li>On 9-9-13, Petitioner agreed to allow the Public Administrator to become the Trustee.</li> </ul>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Examiner's Note:</u> On 9-9-13, per Corrected Minute Order, Mr. Kovacevich agreed to step down and the Court directed that any fees come before the Court. Accordingly, this petition was filed on 11-1-13.  This petition requests attorney and trustee fees totaling \$22,428.00. However, at this point, the value of the trust/assets has not been provided to the Court so Examiner does not have a basis for review other than hourly rates and services.  Examiner notes that the original petition of Joseph Balagno alleged inappropriate conveyance of trust assets and also alleged that Mr. Kovacevich has refused to provide a list of assets. The Court granted that petition on 9-9-13, that petition was granted and Mr. Kovacevich stepped down, and the Court set status hearing on 12-9-13 regarding Assets and Accounting. This petition for fees was filed and has been continued to this date. On 2-21-14, the trustee filed an Accounting (See Page A) that was set for 4-10-14.  <u>Update:</u> At the last hearing on 2-27-14, the Court continued this matter (B) and the matter at Page C to 4-10-14 to meet up with the Accounting petition (A), and also set a Settlement Conference on both matters for 4-7-14. On 4-7-14, the Settlement Conference was continued to 5-20-14.																																												
Cont. from 011614, 022714  <table border="1"> <tr><td>Aff.Sub.Wit.</td><td></td></tr> <tr><td>✓ Verified</td><td></td></tr> <tr><td>Inventory</td><td></td></tr> <tr><td>PTC</td><td></td></tr> <tr><td>Not.Cred.</td><td></td></tr> <tr><td>✓ Notice of Hrg</td><td></td></tr> <tr><td>✓ Aff.Mail</td><td>W</td></tr> <tr><td>Aff.Pub.</td><td></td></tr> <tr><td>Sp.Ntc.</td><td></td></tr> <tr><td>Pers.Serv.</td><td></td></tr> <tr><td>Conf. Screen</td><td></td></tr> <tr><td>Letters</td><td></td></tr> <tr><td>Duties/Supp</td><td></td></tr> <tr><td>Objections</td><td></td></tr> <tr><td>Video Receipt</td><td></td></tr> <tr><td>CI Report</td><td></td></tr> <tr><td>9202</td><td></td></tr> <tr><td>Order</td><td>X</td></tr> <tr><td>Aff. Posting</td><td></td></tr> <tr><td>Status Rpt</td><td></td></tr> <tr><td>UCCJEA</td><td></td></tr> <tr><td>Citation</td><td></td></tr> <tr><td>FTB Notice</td><td></td></tr> </table>				Aff.Sub.Wit.		✓ Verified		Inventory		PTC		Not.Cred.		✓ Notice of Hrg		✓ Aff.Mail	W	Aff.Pub.		Sp.Ntc.		Pers.Serv.		Conf. Screen		Letters		Duties/Supp		Objections		Video Receipt		CI Report		9202		Order	X	Aff. Posting		Status Rpt		UCCJEA		Citation	
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		<b>Attorney: \$5,976.00</b> Exhibit A is a schedule of the attorney's billing in this proceeding from 4-23-13 through 9-9-13. All services were reasonable and necessary in representing Mr. Kovacevich. 24.9 hours @ \$240/hr.																																													
		<b>Successor Trustee: \$16,452.00</b> Exhibit B is a schedule of the successor trustee's services provided to the estate from 3-19-13 through 9-9-13. All services were reasonable and necessary in his role as successor trustee. 91.4 hours @ \$180/hr.																																													
		<b>Petitioner requests an order:</b> 1. Directing the Public Guardian to pay David Paul Gromis, Attorney at Law, the sum of \$5,976.00 from the trust estate for legal services rendered to Nick Kovacevich while he was acting as trustee for the D.W. Balagno Trust dated 3-6-13; 2. Directing the Public Guardian to pay Nick Kovacevich, CPA, the sum of \$16,452.00 for time spent and for services rendered to the D.W. Balagno Trust dated 3-6-13 as the successor trustee; and 3. For such other relief as the Court deems just and proper.	Reviewed by: skc Reviewed on: 4-9-14 Updates: Recommendation: File 8B – Balagno																																												

**8C Dale W. Balagno Revocable Trust**  
**Atty Armo, Lance E. (for Petitioners Joseph Balagno, Linda Balagno, and Lori Jo Brown)**  
**Atty Gromis, David Paul (for Nicholas Kovacevich – Former Trustee)**  
**Atty Kruthers, Heather (for Public Administrator)**  
**Atty Motsenbocker, Gary L. (for Mary Pond – Respondent)**

**Case No. 13CEPR00389**

**First Amended Petition for Court Order to Determine Title and Require Transfer of Personal Property to Petitioner**

<b>DOD: 3-16-13</b>	<b>JOSEPH BALAGNO, LINDA BALAGNO, and LORI JO BROWN</b> , Beneficiaries, are Petitioners.	<b>NEEDS/PROBLEMS/ COMMENTS:</b>  <u><b>Update:</b></u> At the last hearing on 2-27-14, the Court continued this matter (C) and the matter at Page B to 4-10-14 to meet up with the Accounting petition (A), and also set a Settlement Conference on both matters for 4-7-14. On 4-7-14, the Settlement Conference was continued to 5-20-14.  As of 4-9-14, the following issues remain:  <u><b>SEE ADDITIONAL PAGES</b></u>					
<b>Cont. from 022714</b>	<b>Petitioners state</b> the trust corpus consists primarily of bank and investment accounts held with several banking institutions, cash, and other personal property. The beneficiaries and “interested persons” are: Petitioners, <b>MARY E. POND</b> , a former personal acquaintance of the decedent, and former successor trustee <b>NICHOLAS KOVACEVICH</b> , who was removed by the Court. The <b>FRESNO COUNTY PUBLIC ADMINISTRATOR</b> is the current Successor Trustee.						
<b>Aff.Sub.Wit.</b>	Petitioners allege that the former trustee has wrongfully conveyed certain property of the trust to Ms. Pond without accounting, notice or acknowledgment to Petitioners. Petitioners also believe that other accounts, insurance proceeds, and personal property have been wrongfully distributed to Ms. Pond by the former trustee, or individually retained by the former trustee without notice or accounting after having demanded such information. Additionally, Petitioner believes the former trustee allowed mailing addresses and ownership of several bank and investment accounts to be changed shortly prior to the decedent's death to that of Ms. Pond from the decedent's address without notice to beneficiaries. Only upon contacting the various institutions did Petitioner learn of such.	<table border="1"> <tr><td><b>Reviewed by:</b> skc</td></tr> <tr><td><b>Reviewed on:</b> 4-9-14</td></tr> <tr><td><b>Updates:</b></td></tr> <tr><td><b>Recommendation:</b></td></tr> <tr><td><b>File 8C – Balagno</b></td></tr> </table>	<b>Reviewed by:</b> skc	<b>Reviewed on:</b> 4-9-14	<b>Updates:</b>	<b>Recommendation:</b>	<b>File 8C – Balagno</b>
<b>Reviewed by:</b> skc							
<b>Reviewed on:</b> 4-9-14							
<b>Updates:</b>							
<b>Recommendation:</b>							
<b>File 8C – Balagno</b>							
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<b>CI Report</b>							
<b>9202</b>							
<b>Order</b>							
<b>Aff. Posting</b>	To the detriment of the estate, Ms. Pond changed the mailing address of the decedent's important financial papers thereby learning confidential financial information that she was not privy prior thereto, and subsequently convinced, encouraged, and manipulated the decedent, while extremely ill and vulnerable, to add her to accounts, real and personal assets, and to conceal other assets of the estate which are not nor have ever been intended for Ms. Pond.						
<b>Status Rpt</b>							
<b>UCCJEA</b>							
<b>Citation</b>							
<b>FTB Notice</b>							

**SEE ADDITIONAL PAGES**

**8C**

## Page 2

**Petitioners state** Ms. Pond was the decedent's girlfriend for nearly 15 years and was never added to his estate until shortly before his demise, not to mention ever informed of the financial wherewithal of the decedent. The decedent had stated to his family shortly before his passing that his estate was "all set up" as he had transfer-on-death (TOD) completed for most of his assets that did not include Ms. Pond. However, Ms. Pond still added herself to bank accounts, financial investment and life insurance accounts, and liquidated an \$80,000 annuity shortly before his death. The testamentary plan created by the decedent shortly before his death coincidentally was also identical and matching to a plan prepared on behalf of Ms. Pond at the same time, and by the same person, who is not a licensed attorney.

Petitioners state Ms. Pond excluded close family members from the decedent's final hours of life, including his children, as she did not want them to interfere with her plan of manipulating him to sign the necessary forms for transfers, etc.

Petitioners provide descriptions of various accounts and assets including estimated balances and questions about disposition. See petition for details.

Petitioners state Ms. Pond and Mr. Kovacevich refused to provide copies of documents authorizing Ms. Pond's name to be added to the various accounts whether as owner, TOD, or beneficiary. She also refused to provide proof that the decedent authorized her to change the mailing address of the bank account statements from Decedent's home to her address exclusively, and refused to reply to questions asking how/why she changed the mailing addresses.

**KARA BALAGNO** (relationship not stated) was present in the hospital room on one occasion in which she was told by the decedent clearly and unequivocally: "Ms. Pond was only to be added to this one account and none others." The account initially had a mailing address to the decedent's home, but after Ms. Pond's name was added, the mailing address was changed to her address. Shortly before his passing, the decedent informed his family that Ms. Pond could "only" be added to this one bank account in order to pay the "health expense bills" of the decedent, although she took the liberty of adding herself to multiple accounts. Thereafter, Ms. Pond withdrew, transferred, and liquidated hundreds of thousands of dollars from the decedent's accounts to her own, claiming such transfers and withdrawals do not need to be accounted for because they were not part of the trust estate.

**Additionally**, Petitioners state Ms. Pond and Mr. Kovacevich have provided conflicting statements about where the decedent's guns are, and Petitioners further believe that the decedent provided the safe combination to Mr. Kovacevich, who opened the safe and accumulated the contents thereof without recording or transcribing any inventory. Ms. Pond and Mr. Kovacevich now deny the existence of various items in the safe, which were removed and are not vanished. For example, the decedent informed his children that the safe contained \$100,000 in "cash." Ms. Pond uttered to a friend that she had discovered over \$80,000 and had "better go home and count the rest." Ms. Pond now declares there was only \$47,000 cash in the safe. Petitioners state there were also several pieces of jewelry, bonds, and other items in the safe that Ms. Pond denies. The decedent's timeshare has not been accounted for See petition for details.

**SEE ADDITIONAL PAGES**

## Page 3

**Petitioners state** there are other issues as well and allege that Ms. Pond obtained and sold stocks that the decedent owned and concealed such information without accounting to the family. Petitioners state Ms. Pond was reimbursed \$12,000 for funeral expenses by Mr. Kovacevich without evidencing proof of expenses. Ms. Pond's name was added to a 2007 pickup truck shortly before the decedent's death, which truck contained all of the decedent's work tools and equipment, and which was never returned to the family.

Demand has been made repeatedly for account and information, but none has been provided. Petitioners believe Ms. Pond has taken most of the decedent's possessions and sold them or given them away. Ms. Pond has two safes in her home that are believed to contain many of the decedent's possessions that she has unlawfully taken and kept from the family.

It was alleged that Mr. Kovacevich, who has been removed, and Ms. Pond, were working so close together that they were acting as one and the same in theory. Petitioners state that Joseph Balagno is still the personal representative of the estate of Dale Balagno. Probate Code §850(a)(2)(C) provides that the personal representative may file a petition requesting that the court order where the decedent died in possession of, or holding title to, real or personal property, and the property or some interest therein is claimed to belong to another. In this matter, Ms. Pond claims an interest in much of the assets of the estate, and Petitioners believe she is in possession of the assets mentioned above. She and the former trustee have refused and failed to provide any information or instruction of the decedent authorizing her claims. Petitioners believe Ms. Pond will claim she was "told" by the decedent to take such assets, however, fails for several reasons.

Petitioners state the decedent dated Ms. Pond for nearly 15 years and never told her she could share in his wealth, and she didn't learn of it until she changed the mailing addresses on his accounts. She uttered statements to friends and relatives confirming such newly acquired knowledge, and shortly before he died, said to family members: "I wish he would hurry and die as I have a trip planned." During his final days, Ms. Pond tried over and over to get the decedent to marry her. The decedent obviously refused. Ms. Pond also lied to the family that he was restricted to "bed rest" only they later learned that he was supposed to get up and walk around. The day before he died the Decedent told his daughter Linda that he believes "Mary has done wrong things and you need to fix them immediately." He told his entire family his desire and wishes for his estate.

**Mary E. Pond must be ordered by this Court to transfer all assets herein mentioned and provide copies of statements, canceled checks, and financial records for every account she either withdrew, transferred, wired, or deposited funds of the decedent. Ms. Pond clearly exerted undue influence, pressure and coercive conduct towards the decedent in his last days and hours with intent to obtain his assets to the detriment of his family.**

**SEE ADDITIONAL PAGES**

Page 3

Petitioners pray for an order as follows:

1. The Court grant and distribute the vehicles along with all cash, guns, jewelry, bonds, coins, and other items located in the safe and removed by Ms. Pond and/or the former trustee to Petitioners as the representatives of the estate;
2. The Court grant and distribute all investment accounts as set forth herein to Petitioners as representatives of the estate;
3. The Court grant and distribute all bank accounts as set forth herein to Petitioners as representatives of the estate;
4. The Court grant and distribute all bonds and insurance proceeds as set forth herein to Petitioners as representatives of the estate;
5. For costs of suit incurred, and
6. For such other relief as the Court may deem just and proper.

**NEEDS/PROBLEMS/COMMENTS:**

1. Notice of Hearing filed 1-23-14 indicates service on attorneys only, and further indicates that a copy of the amended petition was not served with the notice. The Court may require amended service with copies, including direct notice to the interested persons pursuant to Cal. Rules of Court 7.51.
2. Notice of Hearing filed 1-23-14 does not indicate that a copy of the amended petition was served with the notice pursuant to Probate Code §851.
3. Petitioners request distribution of specific assets to them as personal representatives of the decedent's estate; however, there is no probate estate open for this decedent and there has been no personal representative appointed.

Petitioner Joseph Balagno previously requested, and the Court granted, that the Public Administrator be appointed as the trustee of the decedent's trust.

**Need clarification: Are the petitioners alleging that these assets are assets of the TRUST, or are they now alleging that these are assets of the ESTATE, for which a probate will be filed?**

4. It appears Petitioner is requesting that the Court make findings as to undue influence/financial abuse of the decedent prior to his death, which would be a civil action under the W&I code. The Court may require authority for proceeding as requested.

**Note:** An Accounting filed by the former Trustee Nicholas Kovacevich filed 2-21-14 is set for hearing on 4-10-14. Therefore, the Status Hearing for the filing of the accounting has been taken off calendar.

**SEE ADDITIONAL PAGES**

## Page 4

**Response of Mary Pond filed 2-14-14 states:**

Dale Balagno died 3-16-13 and up to the date of his death was the sole trustee of the D.W. Balagno Revocable Trust dated 3-6-13. The respondent and the decedent lived together in a close committed relationship for 15 years in the respondent's home. The decedent moved into the respondent's home in the late 1990s and resided there until his death. During the time he lived there, Respondent provided food, clothing and shelter to the decedent, as he represented to her that he had limited resources and lived on a small monthly fixed income – in effect, “poverty-stricken.”

Respondent was aware that the decedent owned several houses prior to entering the relationship, and allowed his son to live in one of them. He had his mail delivered to that address and would go over frequently to “check on the house” and review the mail. The decedent was secretive about his affairs; however, Respondent trusted him and was not suspicious about his misrepresentations until he asked his son Joe to pick up his mail at “the house” a month or so before his death. At this time, he shared the fact that he had significant investment account and a number of bank accounts with substantial balances as well as other assets. Respondent was shocked and felt betrayed. She became upset with the decedent as she had often ended up paying for most occasions over the years.

Respondent states that when the decedent realized she was upset with him, he became contrite and remorseful and told her that he planned “to make things right by her.” He stated that he intended to pay off the mortgage on her house and make substantial gifts of cash and personal property. He thereafter contacted the bank and made the necessary arrangements to transfer funds to Ms. Pond and to name her on some accounts. The bank personnel became aware of his concerns and objectives in as much as he told them what he intended to do and expressed concern about what his “children” would try to do to Ms. Pond after he was gone. All transfers and naming her on accounts took place while he was fully competent to make gifts.

Respondent states that contrary to the assertions of the petitioner, the successor trustee did not become trustee or act in that capacity until the decedent died on 3-16-13, and contrary to the groundless assertions and sheer speculations made by the petitioners, he did not transfer title of any assets to the respondent nor did he change the address of the decedent's mail to the home of the respondent. The transfers and the change of address were accomplished by the decedent alone or pursuant to his permission and on his instructions.

Respondent states the decedent did not hold his children in very high esteem and for the most part was disappointed in them. He seldom spoke of them and they seldom visited. For the most part, he had a favorable relationship with his grandchildren and great grandchildren. He did speak to his children on the phone on occasions, but this contact was sporadic and limited.

Respondent denies assertions that she unduly influenced the decedent in any manner at any time and denies that she isolated him from his family and that she attempted to influence him against his children. Respondent asserts that for reasons best known to him, the decedent had issues with his children and on many occasions expressed displeasure with the manner that he had been treated by them or with their behavior or conduct.

**SEE ADDITIONAL PAGES**

## Page 5

**Respondent asserts that** the decedent had no “emotional problems” that would have subjected him to being “easily influenced by the Respondent.” Respondent affirmatively contends that the decedent knew his own mind and was subject to holding strong and unwavering opinions, including the poor relationships he had with his children. He was rational in his thinking and beliefs and knew his own mind. If anything, he was concerned with what “his children” might do to Respondent after he passed away.

Respondent denies allegations made by the petitioners that she is a disqualified transferee under §850 et seq., and states the decedent was competent to make decisions, determinations and designations as he saw fit for the ultimate disposition of his estate.

Respondent denies that she exerted undue influence on the decedent to induce him to execute the trust and/or his last will and testament, and further denies that she participated, advised or arranged the execution of these documents. The decedent dictated the terms to a third party of his own choosing and arranged for their completion and execution.

Respondent is informed based on said information and alleges that the Court has no jurisdiction in this proceeding in regard to the will, as that matter is not properly before the Court in that a petition to admit the will to probate has not been filed.

Respondent objects to this matter in as much as the pleadings were not verified and are therefore not property before the court.

Respondent denies the petitioners' unfounded assertions regarding the decedent's lacking capacity to execute the documents or make gifts and transfers prior to his death.

As to Paragraphs 6-31, Respondent objects as they are not in the proper form, are unsubstantiated, unmitigated, supposition, and/or suspicions, with no basis in fact, reason or law to support them; they are assumptions.

Pursuant to CCP §431.30(d) this answering respondent generally denies each and every allegation in the complaint and further specifically denies that the petitioners are entitled to the relief sought. Affirmative defenses listed. See response.

**Respondent requests judgment by the Court that:**

- 1. Petitioners take nothing pursuant to their First Amended Petition;**
- 2. The request to invalidate alleged transfers to Respondent be denied as there is no basis in law or fact requiring restoration of the decedent's property to his trust and/or estate;**
- 3. The request of the petitioners to find the “2013” trust invalid due to undue influence and/or incompetency be denied;**
- 4. Find that it has no jurisdiction to rule in regard to the validity of the decedent's last will and testament as that matter is not properly before the court;**
- 5. Find that the respondent did not exercise undue influence over the decedent;**
- 6. Deny the Petitioners' request for attorney fees and costs;**
- 7. The request by the petitioners to invalid all documents purporting to make dispositive distributions to the respondent assets be denied; and**
- 8. For such other orders as the Court deems just and proper.**

<b>DOD: 5-24-13</b>		<b>REBECCA S. ZANNINOVICH</b> , Executor with Full IAEA without bond, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Account period: 5-24-13 through 2-19-14	
		Accounting: \$256,858.96	
		Beginning POH: \$235,053.24	
		Ending POH: \$256,820.15	
		(market value of securities)	
		Executor (Statutory): Waives	
		Attorney: \$4,068.00 (less than statutory)	
		<b>Distribution pursuant to Decedent's will:</b>	
		Rebecca S. Zanninovich, successor trustee of the Robert H. Leavitt and Juanita M. Leavitt Revocable Living Trust Agreement dated April 14, 1997: \$252,752.15	
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			<b>Reviewed by:</b> skc
			<b>Reviewed on:</b>
			<b>Updates:</b>
			<b>Recommendation:</b> SUBMITTED
			<b>File</b> 9 – Leavitt



Atty Gromis, David (for Petitioners Carl E. Niehaus and Robert A. Niehaus)

**Petition to Determine Succession to Real and Personal Property  
(Prob. C. 13151)**

<b>DOD: 9/2/13</b>	<b>CARL E. NIEHAUS and ROBERT A. NIEHAUS</b> , brothers, are petitioners.  40 days since DOD.  No other proceedings.  Decedent died intestate.  I & A - <b>\$82,297.64</b>  <b>Petitioners request</b> court determination that Decedent's <b>100% interest</b> in real and personal property pass to them in equal shares pursuant to intestate succession.	<b>NEEDS/PROBLEMS/COMMENTS:</b>	
<b>Cont. from 032714</b>			
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		<b>Reviewed by: KT / LEG</b>	
		<b>Reviewed on: 4/8/14</b>	
		<b>Updates:</b>	
		<b>Recommendation: SUBMITTED</b>	
		<b>File 10 - Niehaus</b>	

**Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)**

<b>DOD: 07/27/2013</b>		<p><b>CALVIN RAY YOUNG</b>, son is petitioner and requests appointment as administrator with bond set at \$37,000.00.</p> <p>Full IAEA – o.k.</p> <p>Decedent died intestate</p> <p>Residence: Fresno Publication: The Business Journal</p> <p><b>Estimated value of the Estate:</b>  Real property - \$80,000.00  Less Encumbrances - \$43,000.00  <b>Total - \$37,000.00</b></p> <p>Probate Referee: Rick Smith</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. #5a(7) or #5a(8) was not answered regarding issue of predeceased child.</p> <p><b>Note: If the petition is granted status hearings will be set as follows:</b></p> <p>• <b>Friday, 05/09/2014 at 9:00a.m. in Dept. 303</b> for the filing of the bond <u>and</u></p> <p><b>Friday, 09/19/2014 at 9:00a.m. in Dept. 303</b> for the filing of the inventory and appraisal</p> <p>• <b>Friday, 06/19/2015 at 9:00a.m. in Dept. 303</b> for the filing of the first account and final distribution.</p> <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> w/		
<input checked="" type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>		
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
		<p><b>Reviewed by:</b> LV</p> <p><b>Reviewed on:</b> 04/08/2014</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 12 – Young</b></p>	

**Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)**

<b>DOD: 01/12/2014</b>	<b>LORENE E. MOORE</b> , daughter, and <b>CHARLTON W. MOORE</b> , son, are co-petitioners and request appointment as Administrators without bond.		<b>NEEDS/PROBLEMS/COMMENTS:</b>
			1. Co-Petitioner, Lorene E. Moore, is a resident of Texas. Probate Code 8571 states notwithstanding a waiver of bond, the court in its discretion may require a nonresident personal representative to give a bond in an amount determined by the court.
<b>Cont. from</b>	Co-Petitioner, Lorene E. Moore, is a resident of Austin, Texas.		<b>Note:</b> If the petition is granted status hearings will be set as follows:
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>			
<input checked="" type="checkbox"/> <b>Verified</b>	All heirs waive bond.		<ul style="list-style-type: none"> <li>• <b>Friday, 09/19/2014 at 9:00a.m. in Dept. 303</b> for the filing of the inventory and appraisal <u>and</u></li> <li>• <b>Friday, 06/19/2015 at 9:00a.m. in Dept. 303</b> for the filing of the first account and final distribution.</li> </ul>
<input type="checkbox"/> <b>Inventory</b>	Full IAEA – o.k.		
<input type="checkbox"/> <b>PTC</b>	Decedent died intestate		Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
<input type="checkbox"/> <b>Not.Cred.</b>	Residence: Fresno Publication: The Business Journal		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>			<b>Reviewed by:</b> LV
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	w/		
<input checked="" type="checkbox"/> <b>Aff.Pub.</b>			<b>Reviewed on:</b> 04/08/2014
<input type="checkbox"/> <b>Sp.Ntc.</b>	<b>Estimated value of the estate:</b>		<b>Updates:</b>
<input type="checkbox"/> <b>Pers.Serv.</b>	Personal property - \$318,000.00		<b>Recommendation:</b>
<input type="checkbox"/> <b>Conf. Screen</b>	Real property - \$220,000.00		<b>File 14 – Moore</b>
<input checked="" type="checkbox"/> <b>Letters</b>	<b>Total - \$558,000.00</b>		
<input checked="" type="checkbox"/> <b>Duties/Supp</b>	Probate Referee: Steven Diebert		
<input type="checkbox"/> <b>Objections</b>			
<input type="checkbox"/> <b>Video Receipt</b>			
<input type="checkbox"/> <b>CI Report</b>			
<input type="checkbox"/> <b>9202</b>			
<input checked="" type="checkbox"/> <b>Order</b>			
<input type="checkbox"/> <b>Aff. Posting</b>			
<input type="checkbox"/> <b>Status Rpt</b>			
<input type="checkbox"/> <b>UCCJEA</b>			
<input type="checkbox"/> <b>Citation</b>			
<input type="checkbox"/> <b>FTB Notice</b>			

**Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution**

<b>DOD: 8/1/2002</b>		<p><b>VIRGINIA BALAKIAN</b> was appointed as Administrator with full IEAE and without bond on 6/17/2003.</p> <p>Letters issued on 6/17/2003.</p> <p>I &amp; A filed on 3/16/2004 shows the value of the estate as \$522,500.24</p> <p>Notice of Status Hearing filed on 11/7/13.</p> <p><b>Status Report filed on 1/3/14</b> states prior to the time of decedent's death there were a number of disputes regarding the decedent's property. These disputes involved family members (other than the decedent's immediate family) and various loans secured by and against the property in which the decedent owned an interest. These matters were the subject of a Chapter 11 proceeding in which the decedent was a debtor. Attorney Thomas believes that there are liens held by the decedent's son, Dennis Balakian, against the decedent's property interests. Those liens affect the other ownership interests in the property. Dennis has not chosen to exercise his foreclosure rights to date, which also involve the owners of other property interests in certain properties inventoried in this matter. The family would like to continue to hold the properties until such time as a sale becomes attractive. Except for the decedent's residence, the properties are unimproved and generate no income.</p> <p>Because of the length of time of the disputes going back to the late 1980's to early 1990's and the complexity of the bankruptcy, Attorney Thomas has ordered a title report from First American Title confirming the respective ownership interests and status of the liens. <b>Attorney Thomas believes it to be in the best interest of the estate to remain open for an additional 90 days.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Continued from 1/10/2014.</u></p>
<b>Cont. from 011014</b>			
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>			
<b>Aff.Mail</b>			
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			

**Reviewed by: KT / LEG**

**Reviewed on: 4/8/14**

**Updates:**

**Recommendation:**

**File 15 – Balakian**

**Probate Status Hearing Re: Failure to File the Inventory and Appraisal and Failure to File a First Account or Petition for Final Distribution**

<b>DOD: 08/10/2002</b>	<b>GINA QUISTIANO</b> , daughter, was appointed Executrix with full IAEA without bond on 09/02/2003.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	Letters issued on 09/03/2003.	
<b>Cont. from 011014</b>	Inventory and Appraisal was due 01/2004.	<b>Minute Order of 01/10/2014:</b> Mr. Zavala is appearing via CourtCall. Counsel informs the Court that he has made contact with Gina Quistiano.
<b>Aff.Sub.Wit.</b>	First Account or Petition for Final Distribution was due 11/2004.	
<b>Verified</b>	<b>Former Status Report filed on 01/02/2014 states:</b> Counsel received the Court's Notice re Case Management Conference. Counsel has made efforts to contact Executrix, Gina Zavala, via telephone and email messages, without success.	1. Need Inventory and Appraisal and First Account or Petition for Final Distribution.
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>	Counsel herein requests that the matter be continued for at least 45 days for counsel to file a Motion to Withdraw as Counsel of Record, due to the Representative's failure to make contact with counsel.	
<b>Letters</b>	As a result of the Executrix's failure to make contact with Counsel, Counsel is unable to file the next set of documents to bring the matter to a close.	
<b>Duties/Supp</b>		
<b>Objections</b>		<b>Reviewed by:</b> LV
<b>Video Receipt</b>		<b>Reviewed on:</b> 04/08/2014
<b>CI Report</b>		<b>Updates:</b>
<b>9202</b>		<b>Recommendation:</b>
<b>Order</b>		<b>File 16 – Quistiano</b>
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		

## Probate Status Hearing Re: Filing Account

DOD: 11/06/06		<p><b>NAGLAA K. ALAMELDIN</b>, sister, was appointed Administrator with full IAEA and bond of \$190,000.00 on <b>01/02/07</b>.</p> <p><b>NAGLAA K. ALAMELDIN</b> filed a <b>Status Report of Administration of Estate and Petition to Approve First Account</b> on 09/21/10.</p> <p>The <b>Petition to Approve First Account</b> was continued several times (11 hearings total) and the Court denied the Petition with leave to Amend on 06/04/12.</p> <p><b>Minute Order from hearing on 8/6/12</b> set this matter for status regarding filing the account.</p> <p><b>Please see additional pages.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u><b>Note: This is actually the 16<sup>th</sup> status hearing since the filing of the amended I&amp;A on 9-13-11.</b></u></p> <p>1. Need Final Account and Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
Cont. from 100412, 113012, 020113, 040513, 060713, 080913, 090613, 110113, 010914			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.		<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 4-9-14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 17 - Alameladin</b></p>	
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt	X		
UCCJEA			
Citation			
FTB Notice			

## Page 2

**Status Report filed 6-6-13 by Attorney Rindlisbacher (not verified by Administrator) states** funds totaling \$69,425.63 should be received in the next 30 days from CA State Controller unclaimed property. We are working with Bank of American to obtain a satisfaction of creditor's claim that has been paid. **A guardianship of the estate will need to be established for minor beneficiaries before distribution can be made.** They reside with their mother, who would have the right to be appointed; however, we would recommend that if this probate estate were distributed to her as guardian of the estate that the funds be placed in blocked accounts, as the estate has a judgment against her in the amount of \$13,869.21 entered 9-20-07. Interest is accruing at the legal rate and the amount she now owes is \$21,796.01. **Administration should continue until a guardianship of the estate has been established for each minor child.**

**Minute Order 6-7-13: Counsel advises the Court that they will not be filing a guardianship as that responsibility falls on the mother. Counsel further advises that they are hoping to receive the proceeds within 30 days. Continued to 8-9-13.**

**Status Report filed 8-8-13 by Attorney Curtis Rindlisbacher (not verified by fiduciary) states:**

- Proofs of Claim have been submitted to the California State Controller regarding the unclaimed property totaling \$69,425.63. Per correspondence, processing may take 180 days.
- The mother of the two minor beneficiaries will be establishing guardianship estates for them; however, the estate has not yet been given notice of these proceedings.
- The mother has a judgment against her in the amount of \$13,869.21 entered 9-20-07, with interest accrued at this time of \$7,926.80, for a total of \$21,796.01. Therefore, if the mother is appointed guardian of the minors' estates, it is recommended that the accounts be blocked.
- Administration should continue until the guardianship estates are established and the property has been received from the state. A petition for final distribution can be filed then.

**Minute Order 8-9-13: The Court will also review the status of Guardianship. Continued to 9-6-13.**

**Verified Status Report filed 9-5-13 states:**

- No further communication has been received from the State of California Controller's Office regarding the claims. They are still waiting for the state to process the claims.
- The Administrator has not received written notice of the guardianship proceedings; however, attached is a printout from San Joaquin County Superior Court showing that the guardianship petitions have been filed for both minors. It is unclear from the printout if the hearing date is set for 10-1-13 or 10-15-13.
- Administration should continue until the guardianship estates have been established and the property has been received from the State of California.
- After guardianship estates have been established, they can petition for preliminary distribution, and a petition for final distribution can be filed when proceeds have been received from the State of California.

Page 3

**Verified Status Report filed 10-31-13 states** it appears from court records in San Joaquin County Superior Court that the guardianship petition was dismissed, but they don't have any information as to why.

Administration should continue until distribution can be received from the State of California and guardianship estates have been established. Note that one of the minors will turn 18 in Feb 2014, but the other not until 2018.

**Status Report filed 3-25-14 states** one of the minors turned 18 in February 2014, the other will turn 18 in 2018. When the monies are received from the State Controller's office, the Administrator will be in a position to file the final accounting and distribute to the child who is 18. Blocked accounts are recommended for the minor heir. The estate has a judgment against the mother entered 9-20-07 with interest accruing, now totaling \$22,890.41. Administration should continue until a guardianship of the estate has been established for the minor and a petition for final distribution can be presented when property has been received from the State of California.



Atty Matthai, Edith (for Craig A. Houghton – Objector)  
 Atty Manock, Charles K. (for George Salwasser/Executor of the Estate of Lillian Salwasser)  
 Atty Chielpegian, Michael S (for Marvin Salwasser/Administratoor with Will Annexed of Walter Salwasser Respondent)  
 Atty Wright, Janet L. (for George Salwasser/Executor)  
 Atty Farley, Michael L. (of Visalia, for Gary E. Salwasser - Beneficiary)  
 Status Hearing

		<b>George Salwasser is Executor.</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		An Amended and Restated First Account was filed on 1-13-10 and has been continued with reference to additional ongoing matters in this and other related cases.	<b>Status Report filed 8-7-13</b> <u>states</u> an amended tax return is being prepared and will be submitted to the IRS upon completion by Craig Houghton of Baker Manock & Jensen. At this time, Mr. Houghton is still not in possession of sufficient information in regards to the amended tax matters to provide Ms. Wright with the information needed to close the estate. It is requested that the status hearing be continued to 10-4-13.
<b>Cont. from 060713, 080913, 100413, 011014</b>		This status hearing was set on 4-26-13.	
<b>Aff.Sub.Wit.</b>		Status report filed 6-6-13 by Attorney Janet Wright states counsel met and conferred on 5-16-13 with attorneys Craig Houghton and Mark Poochigian of Baker Manock & Jensen, who represented the Executor in his initial appointment through December 2008, and in various extraordinary matters, and with Executor, to review the proposed Petition for Final Distribution on Waiver of Account.	<b>Status Report filed 1-8-14</b> <b>requests at least an additional 45 days.</b>
<b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>			
<b>Aff.Mail</b>			
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>		It was determined that in order to close the estate pursuant to the Memorandum of Settlement Agreement entered into by beneficiaries Gary Salwasser and George Salwasser after mediation, certain matters would need to be addressed:	<b>Minute Order 1-10-14 states Ms. Wright requests a 90-day continuance.</b>
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>		1. Amendment to estate tax return 2. Inventory and Appraisal for promissory notes (preliminary payment history attached)	<b>Status Report filed 4-8-14</b> <b>requests an additional 30 days.</b>
<b>Citation</b>			
<b>FTB Notice</b>			
		Once the amendment to the estate tax return is completed, it should be possible to create a formula taking into account the allocation of fees and costs pursuant to the agreement and any credits due beneficiaries which would allow the petition to be filed and estate to be closed.	<b>1. Need amended account / petition for final distribution.</b>
		Counsel is developing a draft formula and will meet and confirm with counsel for Gary Salwasser as well as Baker Manock & Jensen. If a formula cannot be agreed upon, the Petition will be filed specifying the areas of dispute.	<b>Reviewed by:</b> skc
			<b>Reviewed on:</b> 4-8-14
			<b>Updates:</b> 4-9-14
			<b>Recommendation:</b>
			<b>File 18 – Salwasser</b>

## Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution

		<b>KARLA DEAN</b> was appointed as Administrator with Limited IAEA without bond on 10-22-12.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need First Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
		I&A filed 8-30-12 indicated a total estate value of \$65,150.00.	
Cont. from 121313, 011014		<b>At continued hearing on 6-18-13, Ms. Dean again did not appear. The Court removed Ms. Dean and appointed the Public Administrator.</b>	
Aff.Sub.Wit.			
Verified		<b>At the hearing on 7-30-13, the Court set this status hearing for the filing of a petition for final distribution by the Public Administrator.</b>	
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Reviewed by: LV

Reviewed on: 04/08/2014

Updates:

Recommendation:

File 19 – Johnson

**Petition for Appointment of Probate Conservator of the Person and Estate (Prob. C.  
 1820, 1821, 2680-2682)**

<b>Age: 83</b>		<b><u>TEMPORARY CONSERVATORSHIP OF THE PERSON</u></b> <b><u>ONLY EXPIRES 4-10-14</u></b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		<b>LETICIA G. RODRIGUEZ</b> , Daughter, is Petitioner and requests appointment as Conservator of the Person with medical consent, dementia powers, and placement in a secured perimeter facility. Petitioner also requests appointment as Conservator of the Estate without bond.		<b>Court Investigator advised rights on 04/01/2014.</b>	
<b>Cont. from</b>				<b>Voting Rights Affected Need Minute Order</b>	
	<b>Aff.Sub.Wit.</b>			1. Capacity Declaration filed 02/25/2014 does not support the petitioner's request for placement in a secured facility.	
✓	<b>Verified</b>			2. Petitioner requests appointment without bond; however, pursuant to Probate Code 2320(c)(4) and Cal. Rules of Court 7.207, every conservator of the estate must furnish bond including cost of recovery. The bond in this case could be based on income, since real property cannot be sold without Court authorization. Therefore, based on the income listed, bond should be \$11,854.70.	
	<b>Inventory</b>	Estimated value of estate: Personal property: \$ 101,000.00 Annual income: \$ 10,777.00 Plus cost of recovery: \$ 11,177.70 Bond required: \$ 122,954.70		3. Petitioner states at #5 that the proposed Conservatee has \$101,000.00 in <u>personal</u> property; however, she then describes that the proposed conservatee's assets consist of two residences, social security, and the rental income from the residences, if any.	
	<b>PTC</b>			Need clarification: Is the \$101,000.00 <u>personal</u> or <u>real</u> property? <b>Please see additional page</b>	
	<b>Not.Cred.</b>			<b>Reviewed by:</b> LV	
✓	<b>Notice of Hrg</b>	<b>Declaration of J. Luis Bautista, M.D. filed 02/25/2014</b> supports request for medical consent powers, dementia powers and to administer dementia medications.		<b>Reviewed on:</b> 04/09/2014	
✓	<b>Aff.Mail</b>	Voting Rights Affected		<b>Updates:</b>	
	<b>Aff.Pub.</b>	<b>Petitioner states</b> her mother had been residing in her own home with her son Fernando Alvarez Garcia and his girlfriend Pauline Esquire, who were her caregivers. Petitioner states Fernando and Pauline have long histories of substance abuse and Petitioner believes they were stealing from the proposed Conservatee while caring for her. Fernando died in January 2014 and at this time Pauline is refusing to allow the proposed conservatee's other children access to her. APS has become involved on several occasions and recommended that Petitioner file for conservatorship. Attached is a printout from Fresno PD listing the number of visits to the home – it appears police have been called to the home at least 146 times for disturbance calls, homicide, service of warrants, assaults, suicide attempts, and numerous other offenses. Petitioner fears for her mother's safety and requests to immediately move her to her own residence.		<b>Recommendation:</b>	
	<b>Sp.Ntc.</b>			<b>File 20 – Garcia</b>	
✓	<b>Pers.Serv.</b>				
✓	<b>Conf. Screen</b>				
✓	<b>Letters</b>				
✓	<b>Duties/Supp</b>				
	<b>Objections</b>				
	<b>Video Receipt</b>	x			
✓	<b>CI Report</b>				
	<b>9202</b>				
	<b>Order</b>				
	<b>Aff. Posting</b>				
	<b>Status Rpt</b>				
	<b>UCCJEA</b>				
✓	<b>Citation</b>				
	<b>FTB Notice</b>				

**Please see additional page**

**Continued from previous page:**

Petitioner states that in 2010 Petitioner took the proposed Conservatee to her home after she realized her brother and his girlfriend were not properly caring for her; however, Petitioner states APS advised her that she had to return her to her home absent a court order. Petitioner believes Pauline is currently collecting the proposed conservatee's social security income and rental income from another home that she owns that is occupied by another daughter. Petitioner also believes that Fernando and Pauline may have obtained credit in the proposed conservatee's name. Petitioner states there is little estate besides the two residences. There was property in Mexico, but she believes Fernando sold it.

Petitioner prays for an order to waive any bond requirements as petitioner is low income and the value of the estate is minimal.

**Court Investigator JoAnn Morris' report filed 04/03/2014.**

**Needs/Problems/Comments continued:**

4. Need video receipt for conservator pursuant to Local Rule 7.15.8(A).

**Petition for Appointment of Probate Conservator of the Person (Prob. C. 1820, 1821, 2680-2682)**

<b>Age: 78</b>  <b>Cont. from</b> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:5%;"></td> <td style="width:15%;"><b>Aff.Sub.Wit.</b></td> <td style="width:5%;"></td> </tr> <tr> <td>✓</td> <td><b>Verified</b></td> <td></td> </tr> <tr> <td></td> <td><b>Inventory</b></td> <td></td> </tr> <tr> <td></td> <td><b>PTC</b></td> <td></td> </tr> <tr> <td></td> <td><b>Not.Cred.</b></td> <td></td> </tr> <tr> <td>✓</td> <td><b>Notice of Hrg</b></td> <td></td> </tr> <tr> <td>✓</td> <td><b>Aff.Mail</b></td> <td>w/o</td> </tr> <tr> <td></td> <td><b>Aff.Pub.</b></td> <td></td> </tr> <tr> <td></td> <td><b>Sp.Ntc.</b></td> <td></td> </tr> <tr> <td>✓</td> <td><b>Pers.Serv.</b></td> <td>w/o</td> </tr> <tr> <td>✓</td> <td><b>Conf. Screen</b></td> <td></td> </tr> <tr> <td>✓</td> <td><b>Letters</b></td> <td></td> </tr> <tr> <td>✓</td> <td><b>Duties/Supp</b></td> <td></td> </tr> <tr> <td></td> <td><b>Objections</b></td> <td></td> </tr> <tr> <td></td> <td><b>Video Receipt</b></td> <td>x</td> </tr> <tr> <td>✓</td> <td><b>CI Report</b></td> <td></td> </tr> <tr> <td></td> <td><b>9202</b></td> <td></td> </tr> <tr> <td>✓</td> <td><b>Order</b></td> <td></td> </tr> <tr> <td></td> <td><b>Aff. Posting</b></td> <td></td> </tr> <tr> <td></td> <td><b>Status Rpt</b></td> <td></td> </tr> <tr> <td></td> <td><b>UCCJEA</b></td> <td></td> </tr> <tr> <td>✓</td> <td><b>Citation</b></td> <td></td> </tr> <tr> <td></td> <td><b>FTB Notice</b></td> <td></td> </tr> </table>		<b>Aff.Sub.Wit.</b>		✓	<b>Verified</b>			<b>Inventory</b>			<b>PTC</b>			<b>Not.Cred.</b>		✓	<b>Notice of Hrg</b>		✓	<b>Aff.Mail</b>	w/o		<b>Aff.Pub.</b>			<b>Sp.Ntc.</b>		✓	<b>Pers.Serv.</b>	w/o	✓	<b>Conf. Screen</b>		✓	<b>Letters</b>		✓	<b>Duties/Supp</b>			<b>Objections</b>			<b>Video Receipt</b>	x	✓	<b>CI Report</b>			<b>9202</b>		✓	<b>Order</b>			<b>Aff. Posting</b>			<b>Status Rpt</b>			<b>UCCJEA</b>		✓	<b>Citation</b>			<b>FTB Notice</b>		<p style="text-align: center;"><b><u>NO TEMPORARY REQUESTED</u></b></p> <p><b>CONNIE MACK</b>, daughter, is Petitioner, and requests appointment as Conservator of the Person with medical consent powers and dementia powers.</p> <p><b>Petitioner alleges</b> that the proposed conservatee is unable to make decisions and unable to care for herself.</p> <p><b>Court Investigator Jennifer Young filed a report on 04/04/14.</b></p> <p><b>Report of Attorney for Proposed Conservatee Concerning Request for Dementia Powers</b> filed 04/08/14 states that he met with the proposed conservatee on 04/07/14 and explained what a Conservatorship of the Person would mean to her. Ms. Atkins asked questions and after understanding the powers to be granted to Petitioner, consented to the appointment of Petitioner as conservator of her person. She also consented to dementia powers. Based on his observations and discussions with the proposed conservatee, Mr. Bagdasarian recommends that Ms. Mack be appointed as the Conservator of the Person of Ms. Atkins with the dementia powers requested in the Petition.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>The specific dementia powers requested are not stated. The Petition is missing Attachment Requesting Special Orders Regarding Dementia (form GC-313).</li> <li>The Proofs of Service filed 03/17/14 do not indicate that a copy of the Petition was mailed along with the Notice of Hearing as required pursuant to Probate Code § 1822.</li> <li>The Petition does not list all 2<sup>nd</sup> degree relatives (parents, grandparents, children, grandchildren and siblings). Per the CI report there is at least 1 additional child (Tom Atkins) that is not listed, and no other 2<sup>nd</sup> degree relatives are listed either. Need list of all 2<sup>nd</sup> degree relatives and proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the Petition to all 2<sup>nd</sup> degree relatives.</li> <li>Need receipt for watching conservatorship video.</li> </ol> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td><b>Reviewed by:</b> JF</td> </tr> <tr> <td><b>Reviewed on:</b> 04/09/14</td> </tr> <tr> <td><b>Updates:</b></td> </tr> <tr> <td><b>Recommendation:</b></td> </tr> <tr> <td><b>File 21 – Atkins</b></td> </tr> </table>	<b>Reviewed by:</b> JF	<b>Reviewed on:</b> 04/09/14	<b>Updates:</b>	<b>Recommendation:</b>	<b>File 21 – Atkins</b>
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**Petition to Determine Succession to Real Property (Prob. C. 13151)**

<b>DOD: 02/05/2013</b>		<p><b>SIRIAM DE LA ROSA</b>, daughter, is petitioner.</p> <p>40 days since DOD</p> <p>No other proceedings</p> <p>I&amp;A                      -                      <b>\$75,000.00</b></p> <p><b>Will dated: ?</b></p> <p>Petitioner request Court determination that decedent's interest in real property pass to Siriam De La Rosa.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>Pursuant to Probate Code § 13152(c) a copy of the will must be attached to the petition.</li> <li>Attachment 11 does not provide the decedent's interest in the real property.</li> <li>#9a(2) of the petition indicates that the decedent's spouse is deceased. Pursuant to Local Rule 7.1D the name and date of death of the decedent's spouse is required.</li> <li>Need date of death of decedent's son pursuant to Local Rule 7.1D.</li> </ol>	
<b>Cont. from</b>				
	<b>Aff.Sub.Wit.</b>			
✓	<b>Verified</b>			
✓	<b>Inventory</b>			
	<b>PTC</b>			
	<b>Not.Cred.</b>			
✓	<b>Notice of Hrg</b>			
✓	<b>Aff.Mail</b>			w/
	<b>Aff.Pub.</b>			
	<b>Sp.Ntc.</b>			
	<b>Pers.Serv.</b>			
	<b>Conf. Screen</b>			
	<b>Letters</b>			
	<b>Duties/Supp</b>			
	<b>Objections</b>			
	<b>Video Receipt</b>			
	<b>CI Report</b>			
	<b>9202</b>			
✓	<b>Order</b>			
	<b>Aff. Posting</b>			
	<b>Status Rpt</b>			
	<b>UCCJEA</b>			
	<b>Citation</b>			
	<b>FTB Notice</b>			
			<p><b>Reviewed by:</b> LV</p> <p><b>Reviewed on:</b> 04/08/2014</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 22 – Schmutz</b></p>	

**23A Timothy Ouaneuampheng, Pearl Vasquez, Noah Vasquez & Sienna Hang  
(GUARD/p)**

**Case No. 14CEPR00272**

**Attorney** **Vue, Thai (pro per – maternal uncle/Petitioner)**

**Petition for Appointment of Temporary Guardian of the Person (Prob. C. 2250)**

Timothy, 12	<b><u>GENERAL HEARING 05/29/14</u></b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
Pearl, 7	<b>THAI VUE</b> , maternal uncle, is Petitioner.	<b>This Page pertains to Timothy, Pearl and Noah. See page 23B for petition regarding Sienna.</b>
Noah, 5	Father (Pearl & Noah): <b>GILBERT VASQUEZ</b> Father (Timothy): <b>UNKNOWN (DECEASED)</b>	1. Need <i>Notice of Hearing</i> .
Cont. from	Mother: <b>PANG VUE</b>	2. Need proof of personal service at least 5 court days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Temporary Petition</i> <u>or</u> <i>Consent &amp; Waiver of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> for:
Aff.Sub.Wit.	Paternal grandparents: UNKNOWN	a. Gilbert Vasquez (Pearl & Noah's father)
✓ Verified	Maternal grandfather: YANG VUE	b. Timothy's father (unknown)
Inventory	Maternal grandmother: XIA VANG VUE	c. Pang Vue (mother)
PTC	<b>Petitioner alleges</b> that the other is unstable and unable to care for the children. CPS is involved and has recommended that Petitioner seek guardianship of the minors. Petitioner states that the mother dropped the children off to him on 03/03/14 and has not been back since.	d. Timothy (minor)
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
✓ Conf. Screen		
✓ Letters		
✓ Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
✓ Order		
Aff. Posting		
Status Rpt		
✓ UCCJEA		
Citation		
FTB Notice		

**Reviewed by:** JF

**Reviewed on:** 04/09/14

**Updates:**

**Recommendation:**

**File 23A – Ouaneuanhpheng, Vasquez & Hang**

**23A**

**23B Timothy Ouaneuampheng, Pearl Vasquez, Noah Vasquez & Sienna Hang  
(GUARD/p)**

**Case No. 14CEPR00272**

Atty Vang, Valentina G. (pro per – cousin/Petitioner)

Atty Vang, Angelina Npauj (pro per – cousin/Petitioner)

**Petition for Appointment of Temporary Guardian of the Person (Prob. C. 2250)**

Sienna, 2		<b><u>GENERAL HEARING 05/29/14</u></b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		<b>VALENTINA VANG</b> and <b>ANGELINA VANG</b> , cousins, are Petitioners.		<b>This Petition pertains to Sienna only.</b>	
		Father: <b>NHIA HANG</b>		3. Need Duties of Guardian signed by co-petitioner Angelina Vang.	
		Mother: <b>PANG VUE</b>		4. Need <i>Notice of Hearing</i> .	
<b>Cont. from</b>		Paternal grandfather: NOT LISTED		5. Need proof of personal service at least 5 court days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Temporary Petition</i> <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for:	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Paternal grandmother: IA MOUA		e. Nhia Hang (father)	
<input checked="" type="checkbox"/>	<b>Verified</b>	Maternal grandfather: YANG VUE		f. Pang Vue (mother)	
<input type="checkbox"/>	<b>Inventory</b>	Maternal grandmother: XIA VANG VUE		6. The Confidential Guardian Screening forms for both Angelina and Valentina Vang are not complete at item 8 re: I am/I am not aware of any reports alleging any form of child abuse, neglect, or molestation made to any agency charged with protecting children or any other law enforcement agency regarding me or any other person living in my home.	
<input type="checkbox"/>	<b>PTC</b>				
<input type="checkbox"/>	<b>Not.Cred.</b>				
<input type="checkbox"/>	<b>Notice of Hrg</b>	<input checked="" type="checkbox"/>			
<input type="checkbox"/>	<b>Aff.Mail</b>				
<input type="checkbox"/>	<b>Aff.Pub.</b>				
<input type="checkbox"/>	<b>Sp.Ntc.</b>				
<input type="checkbox"/>	<b>Pers.Serv.</b>	<input checked="" type="checkbox"/>			
<input checked="" type="checkbox"/>	<b>Conf. Screen</b>				
<input checked="" type="checkbox"/>	<b>Letters</b>				
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<input type="checkbox"/>	<b>CI Report</b>				
<input type="checkbox"/>	<b>9202</b>				
<input checked="" type="checkbox"/>	<b>Order</b>				
<input type="checkbox"/>	<b>Aff. Posting</b>				
<input type="checkbox"/>	<b>Status Rpt</b>				
<input checked="" type="checkbox"/>	<b>UCCJEA</b>				
<input type="checkbox"/>	<b>Citation</b>				
<input type="checkbox"/>	<b>FTB Notice</b>				
				<b><u>Note:</u></b> It is unknown whether petitioners are maternal or paternal cousins.	
				<b>Reviewed by:</b> JF	
				<b>Reviewed on:</b> 04/09/14	
				<b>Updates:</b>	
				<b>Recommendation:</b>	
				<b>File 23B – Ouaneuanhpheng, Vasquez &amp; Hang</b>	

**23B**



<b>Age: 79</b>		<b>TEMP DENIED 10-24-13</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>JULIE CASTILLO and CONNIE MARTINEZ,</b>	<b><u>THIS MATTER WILL BE HEARD AT 10:00 AM.</u></b>
		Daughters, are Petitioners and request	<b>Court Investigator advised rights on 11-12-13</b>
		appointment as Co-Conservators of the Person	<b>Voting rights affected</b>
		with medical consent powers and dementia	- <b>Need minute order</b>
		medication powers, and as Co-Conservators of	<b>Minute Order 10-24-13 (Temp):</b>
		the Estate without bond, funds blocked.	Ms. Walters informs the Court
<b>Cont. from 112113, 021314, 022014</b>			that her client owes Rosie
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		Reyna about \$3,000.00 which
<input checked="" type="checkbox"/>	<b>Verified</b>		she is currently paying. Parties
<input type="checkbox"/>	<b>Inventory</b>		agree to participate in
<input type="checkbox"/>	<b>PTC</b>		mediation today at 1:30 p.m.
<input type="checkbox"/>	<b>Not.Cred.</b>		Parties are ordered not to
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		speak ill of one another around
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	W	Rosie Reyna. Mr. Teixeira is
<input type="checkbox"/>	<b>Aff.Pub.</b>		ordered to remain as counsel
<input type="checkbox"/>	<b>Sp.Ntc.</b>		for Rosie Reyna. Based on the
<input checked="" type="checkbox"/>	<b>Pers.Serv.</b>	W	report of the investigator and
<input checked="" type="checkbox"/>	<b>Conf. Screen</b>	X	everything that has been heard
<input checked="" type="checkbox"/>	<b>Letters</b>		today, the Court denies the
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>		petition. The General Hearing
<input checked="" type="checkbox"/>	<b>Objections</b>		remains set for 11/21/13.
<input checked="" type="checkbox"/>	<b>Video Receipt</b>		Petition is denied.
<input checked="" type="checkbox"/>	<b>CI Report</b>		<b>Minute Order 11-21-13:</b> Status of
	<b>9202</b>		Evaluation to be filed with the
	<b>Order</b>	X	Court.
		<b>Capacity Declaration filed 4-2-14.</b>	<b>Minute Order 2-13-14, 2-20-14:</b>
		<b>Petitioners state</b> their mother was diagnosed	See additional pages.
		with dementia in 2010. Before this occurred, she	<b>Update:</b> Nothing further has
		had drafter a Power of Attorney for Health Care	<b>been filed regarding the</b>
		indicating Petitioners (daughters), Joseph (son),	<b>mediation appointment;</b>
		and Monica (granddaughter) as potential	<b>however, a Capacity</b>
		agents to assist in her health care decisions. In	<b>Declaration was filed on 4-2-14</b>
		the last year, the family has witnessed actions by	<b>and Joseph Reyna filed an</b>
		Joseph that have caused great concern	<b>Objection on 4-2-14.</b>
		regarding his motivation in assisting her. At this	<b>The following issues remain:</b>
		point, Joseph will not allow Petitioners access to	<b>SEE ADDITIONAL PAGES</b>
		any of their mother's finances and now utilizes a	<b>Reviewed by: skc</b>
		debit card in her name all over town. He has	<b>Reviewed on: 4-8-14</b>
		made significant cash withdrawals including	<b>Updates:</b>
		removing approx. \$17,500 from the account. He	<b>Recommendation:</b>
		insisted the money was his, even though he is	<b>File 1 – Reyna</b>
		unemployed and contributes no funds to the	
		account. In addition, he has been talking	
		derogatorily and with obscene profanity toward	
		their mother and tells her that nobody wants her	
		and if he did not live with her she would be all	
		alone. She is afraid to say anything to him.	
		Petitioners state he took her to an attorney, but	
		she does not know what she signed. He does	
		not allow her to go to the doctor and threatens	
		to not feed her if she does not listen to him.	
		Petitioners state their mother is not capable of	
		making decisions on her own and are	
		concerned that something may happen to her	
		if conservatorship is not granted.	
		<b><u>SEE ADDITIONAL PAGES</u></b>	
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input checked="" type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		

Page 2

Petitioners filed declarations in support of the petition from Bernardo Reyna (son), Julien Castillo (son-in-law), Paul Reyna (brother-in-law), Jonathan Martinez (grandson), Dorothy Martinez (family member), Harry Martinez (son-in-law), Cameron Martinez (grandson), Corina Martinez (granddaughter), Diane A. Frias (niece), Lydia Leong (family friend and former girlfriend of Joe), and Monica Estrada (granddaughter). See declarations for details.

Court Investigator Samantha Henson filed a report on 11-14-13.

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**Declaration of Attorney Lisa Horton filed 11-19-13 states** that on 11-15-13, she was on the telephone with her client Julie Castillo who was standing in front of the proposed conservatee's residence attempting to visit with her mother. Attorney Horton heard Joseph Reyna yelling at Rosie and her clients through the phone, including yelling out, "They just want your money mom, don't let them in."

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**Note:** If the petition is granted status hearings will be set as follows:

- **Friday, 05/30/2014 at 9:00a.m. in Dept. 303** for the filing of the bond **and**
- **Friday, 09/12/2014 at 9:00a.m. in Dept. 303** for the filing of the inventory and appraisal **and**
- **Friday, 06/19/2015 at 9:00a.m. in Dept. 303** for the filing of the first account.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.

**SEE ADDITIONAL PAGES**

**Status Report filed 2-11-14 by Petitioner Julie Castillo and Connie Martinez states** the parties agreed Ms. Reyna would undergo evaluation to determine if she has suffered physical and/or verbal abuse. The psychologist was to be selected by mutual agreement of Stanley Teixeira and Petitioners' attorney. The parties agreed that Mr. Teixeira would oversee all known and existing accounts. Joseph Reyna was to supply him with statements and explanation of how funds are spent.

On 11-25-13, Mr. Teixeira provided a resume for a psychologist, who Petitioners feel lacks experience in dealing with dementia patients. On 1-2-14, Attorney Walters informed Mr. Teixeira of her concerns and requested additional resumes. To date, none have been received.

On 1-27-14, Attorney Walters spoke with Mr. Teixeira, who stated that he has not had any contact with his client or with Joseph Reyna for some time – he has tried calling and mail, but no response. This means that he has not reviewed any account information as anticipated.

Petitioners feel a conservator should be appointed immediately because:

- Rosie Reyna is still driving without a valid license
- Joseph Reyna is still driving her vehicles on a suspended license. He has been pulled over and vehicles impounded. He is allowing her to drive him everywhere in an attempt to avoid getting pulled over.
- Joseph Reyna is selling her personal property items to family members and possibly others
- Joseph Reyna has isolated Rosie Reyna by not allowing family to visit, or her counsel, and Rosie spent Thanksgiving and her birthday without her family.
- On Christmas she was found in her house sitting alone in the dark
- Sometime in December, Joseph Reyna took Rosie to EECU and tried to have all her funds withdrawn. The bank would not comply.
- Petitioners have tried to contact Rosie but Joseph picks up the phone and immediately hangs up or doesn't answer at all.

**Petitioners believe it is in Rosie Reyna's best interest that a temporary conservator of her estate be appointed until a full settlement of this case or outcome of trial. Petitioners still request to be appointed; however, if the Court is not inclined to appoint Petitioners, Petitioners request appointment of the Public Guardian on a temporary basis.**

**Minute Order 2-13-13:** Also present in the courtroom is Monica Estrada. Ms. Reyna objects to the conservatorship. Joseph Reyna is ordered to provide Mr. Teixeira anything he has regarding Ms. Reyna including any bank documents. Said documents are to be provided to Mr. Teixeira by the end of today. The Court will expect something to be filed regarding Bank of America before the next hearing. The Court orders Joseph Reyna to submit a declaration regarding the money, car, watch, and any reimbursement he has made to Ms. Reyna.

***Capacity Declaration was filed 4-2-14 by Attorney Teixeira.***

***Objection was filed 4-2-14 by Joseph Reyna.***

***See file for details.***

**Minute Order 2-20-14:** Mr. Teixeira advises the Court that his client strongly objects to the conservatorship. The Court is informed that an agreement has been reached as to the mental health evaluator. Parties waive confidentiality so the Court can review the report. The Court authorizes the results to be distributed to the parties. Joseph Reyna is ordered to provide the Bank of America statements for the period of January 2012 through June 2013.  
Continued to 4/10/14 @ 10:00.

**SEE ADDITIONAL PAGES**

Page 4

NEEDS/PROBLEMS/COMMENTS:

1. If granted, need Confidential Supplemental Information Form GC-312. (This form provides information about the proposed Conservatee.)
2. If granted, need bond of \$110,000.00 per Cal. Rules of Court 7.207 and Probate Code §2320(c)(4).
3. Need order.